

ENTERED

April 09, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

OMAR GARCIA-REGALADO

§

Petitioner

§

VS.

§

Civil Case No. 7:23-CV-00368

UNITED STATES OF AMERICA

§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the February 23, 2024 Report and Recommendation ("R&R") prepared by Magistrate Judge Juan F. Alanis. (Dkt. No. 6). Magistrate Judge Alanis made findings and conclusions and recommended that United States' Motion for Summary Judgment, (Dkt. No. 4), be granted and that Garcia-Regalado's Motion under 28 U.S.C § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Dkt. No. 1), be denied. (Dkt. No. 6).

The Parties were provided proper notice and the opportunity to object to the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the R&R and adopts it as the opinion of the Court. It is therefore ordered that:

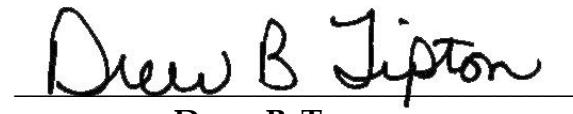
- (1) Magistrate Judge Alanis's R&R (Dkt. No. 6) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) United States' Motion for Summary Judgment, (Dkt. No. 4), is **GRANTED**; and

(3) Garcia-Regalado's Motion under 28 U.S.C § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Dkt. No. 1), is **DENIED**; and

(4) The Court **DECLINES** to issue a certificate of appealability in this matter.

It is SO ORDERED.

Signed on April 9, 2024.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE